

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN J. MURPHY

: Civil Action No: 11-04743

v.

RADNOR TOWNSHIP

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DEFENDANT RADNOR TOWNSHIP'S PRETRIAL MEMORANDUM
PURSUANT TO LOCAL RULE 16.1(c)

1. Nature of Action- This case is based on the Uniformed Services Employment and Reemployment Rights Act of 1994 and the Pennsylvania Military Affairs Act.

2. Statement of Facts- At no time was Mr. Murphy's Military obligation ever considered as a reason why he was not hired as the Township Manager in Radnor. In fact, there were a total of eight individuals who were interviewed. Of those initial eight, only three were considered to be the cream of the crop and intended to be brought back for a second interview. One of those individuals, Bob Zienkowski, who eventually got the job dropped out because of family commitments in Ohio. The job was offered to the two remaining candidates, Peter Miller and David Kraynik, each of whom after long negotiations turned the job down. Finally at the point where they were going to start the process all over again, it was decided that Chris Canavan, who had interviewed extremely well and was highly recommended by one of the Commissioners, Hank Mahoney, be brought back for a second interview. M. Canavan interviewed again extremely well and was offered the job. At this point it was well after the November 3, 2009 election and the new commissioners were more involved than the previous commissioners. There was some discussion as to who would be offered the position and perhaps hire another interim manager while the process began again when Robert Zienkowski now

indicated he was interested in the job and he was the individual who was eventually hired and holds the job today. There are numerous reasons which were well documented by this Court in the granting of the Motion for Summary Judgment as to why J. J. Murphy was not given a second interview.

3. Monetary Damages- It is denied the Plaintiff has sustained any monetary damages. He voluntarily left Wilkes-Barre and a presumed increased salary with benefits to start his own consulting company which apparently failed. He is currently working as a Township Manager in New Mexico.

4. Witnesses-

1. Tom Masterson- Liability
c/o Lundy Law
1635 Market Street, 19th Floor
Philadelphia, PA 19103
2. Hank Mahoney- Liability
c/o Deasey, Mahoney, Valenti & North
1601 Market-Frankford Line
Philadelphia, PA 19103
3. John Fisher- Liability
c/o Radnor Township
301 Iven Avenue
Wayne, PA 19087
4. Enrique Hervada- Liability
819 Colony Road
Bryn Mawr, PA 19010
5. Kevin Higgins- Liability
c/o Radnor Township
301 Iven Avenue
Wayne, PA 19087
6. Daniel Olpere- Liability
112 Cathedral Drive
North Wales, PA 19454

7. John Granger- Liability
134 Upper Stump Road
Chalfont, PA 18914
8. William Springler- Liability
c/o Radnor Township
301 Iven Avenue
Wayne, PA 19087
9. David Kraynik- Liability
c/o Lower Merion Township
175 West Valley Forge Road
King of Prussia, PA 19406
10. Peter Miller- Liability
c/o Egg Harbor Township
3515 Bargaintown Road
Egg Harbor Township, NJ 08235
11. Christopher Canavan- Liability
144 Cassell Road
Harleysville, PA 19438
12. John Nagle- Liability
c/o Radnor Township
301 Iven Avenue
Wayne, PA 19087
13. Don Curley- Liability
c/o Radnor Township
301 Iven Avenue
Wayne, PA 19087
14. Elaine Schaffer- Liability
c/o Radnor Township
301 Iven Avenue
Wayne, PA 19087
15. Robert Zienkowski- Liability
c/o Radnor Township
301 Iven Avenue
Wayne, PA 19087
16. John Murphy- - Liability and Damages

5. Exhibits

See Schedule of Exhibits

6. Estimated Number of Days Required for Trial

4-5 days

7. Special Comments

Defendant desires a stipulation as to the authenticity and admissibility of his exhibits.

It is the Defendant's position that Plaintiff's claims regarding wages and benefits are limited due to the lack of expert testimony.

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

BY: s/Joseph J. Santarone, Jr.
JOSEPH J. SANTARONE, JR., ESQUIRE
ID# PA45723
2000 Market Street, 24th Floor
Philadelphia, PA 19103
(215) 575-2626 Fax (215) 575-0856
Email: jjsantarone@mdwecg.com
Attorney for Defendant

DATE: February 7, 2014

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DEFENDANT, RADNOR TOWNSHIP'S, TRIAL EXHIBIT LIST

1. Volume 1 binder re: detailed applications/summaries of candidates for Township Manager of Radnor Township
 - 1.1 Summary of applicant, Thomas R. Hoover
 - 1.2 Summary of applicant, Andrew A. Mair
 - 1.3 Summary of applicant, Robert A. Zienkowski
 - 1.4 Summary of applicant, Donald D. Crawford
 - 1.5 Summary of applicant, Thomas J. Hutka
 - 1.6 Summary of applicant, David G. Kraynik
2. Volume 2 binder re: detailed applications/summaries of candidates for Township Manager of Radnor Township
 - 2.1 Summary of applicant, Robert C. Lawton
 - 2.2 Summary of applicant, Peter J. Miller
 - 2.3 Summary of applicant, Christopher R. Canavan
 - 2.4 Summary of applicant, Jack P. Layne, Jr.
 - 2.5 Summary of applicant, J.J. Murphy
3. Volume 3 binder re: detailed applications/summaries of candidates for Township Manager of Radnor Township
 - 3.1 Summary of applicant, James H. Patrick
 - 3.2 Summary of applicant, David G. Cressman

- 3.3 Summary of applicant, Joseph Galdo, Jr.
- 3.4 Summary of applicant, Jeff J. Bartlett
- 3.5 Summary of applicant, Richard C. Schnaedter
- 3.6 Summary of applicant, Debra A. Fourre
- 3.7 Summary of applicant, David P. Richards
- 4. Records of 06/27/09 call from Patrick Murphy to Tom Masterson
- 5. Harold Goodman letter dated August 24, 2009
- 6. Handwritten notes of John Fisher from the interview
- 7. Website advertisement for Township Manager
- 8. 04/08/09 Proposal for Assistance in Recruitment and Selection of a New Township Manager
- 9. 07/06/09 Email from John Fisher re: Murphy
- 10. Radnor Manager Applicant Summary of Dan Olpare
- 11. 01/13/12 Deposition Transcript of Plaintiff
- 12. Masterson's Review of Murphy's letter
- 13. Township of Radnor General Code – August 2013